

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MICHAEL LANE,
TDCJ #1238595,

Plaintiff,

v.

HARRIS COUNTY JAIL
MEDICAL DEPARTMENT, *et al.*,

Defendants.

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CIVIL ACTION NO. H-06-0875

**ORDER GRANTING MOTION
TO PROCEED ON APPEAL IN FORMA PAUPERIS**

On October 5, 2006, this Court granted the defendants' motion for summary judgment and dismissed the civil rights lawsuit filed by state inmate Michael Lane. The plaintiff has filed a notice of appeal from that decision. He has also filed an application to proceed on appeal *in forma pauperis*. (Doc. # 26). Because the plaintiff is incarcerated, this case is governed by the Prison Litigation Reform Act (the "PLRA"). The PLRA requires prisoners to pay an initial partial filing fee for all civil actions and appeals. 28 U.S.C. § 1915(b)(1). The PLRA also requires prisoners to pay the balance of the full appellate filing fee (\$455.00). Accordingly, the Court **ORDERS** that:

1. The application for leave to proceed *in forma pauperis* (Doc. # 26) is **GRANTED**.


2. The plaintiff is not assessed an initial partial filing fee because the documentation provided in support of his motion shows that he lacks the requisite funds.

3. The plaintiff shall pay \$455.00, the balance of the full filing fee, in periodic installments as required by 28 U.S.C. § 1915(b). The agency shall collect this amount from the plaintiff's trust account and forward it to the Court.

4. The plaintiff is responsible for signing all consents and other documents required by the agency having custody of plaintiff to authorize the necessary withdrawal from the plaintiff's inmate trust account.

The Clerk will send copies of this order to the parties, and will provide a copy by regular mail, facsimile transmission, or e-mail to (1) the TDCJ - Office of the General Counsel, Capitol Station, P.O. Box 13084, Austin, Texas 78711, fax 512-936-2159, and (2) the Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342-0629, fax 936-437-4793.

SIGNED at Houston, Texas, on **November 7, 2006**.


Nancy F. Atlas
United States District Judge